

Attorney Docket No.: RTS-0250
Inventors: Monia et al.
Serial No.: 09/954,556
Filing Date: September 14, 2001
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REMARKS

Claims 1, 2, 4-10 and 12-15 are pending in the instant application. Claims 1, 2 and 12 have been rejected. Claims 4-10 and 13-15 have been objected to. Claims 2 and 4 have been canceled. Claims 1, 5, 6, 8 and 10 have been amended. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Rejection of Claims Under 35 U.S.C. 102(b)

Claims 1, 2 and 12 have been rejected under 35 U.S.C. 102(b) or 103(a) as being anticipated by Consalez et al. (WO 98/13521). The Examiner suggests that this patent discloses a primer with a sequence that is reverse complementary to bases 1497 through 1506 of SEQ ID NO: 3 of the instant invention. After clarification by the Examiner, it appears that there was a typographical error and the primer is actually reverse complementary to bases 1479 through 1488 of SEQ ID NO: 3. Applicants respectfully traverse this rejection.

At the outset, Applicants have amended the claims to recite that the compounds of the instant invention are modified antisense oligonucleotides, with the modification being the existence in the

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structure of modified internucleoside linkages. Support for this amendment can be found throughout the specification as filed but was also a limitation found in claim 4 of the application as filed.

Consalez et al. disclose a single PCR primer that is reverse complementary to a part of the claimed nucleobase region. Nowhere does this patent application teach or suggest that the primer can be a modified antisense oligonucleotide as now claimed. Further, this reference fails to teach or suggest use of antisense compounds of any type.

MPEP 2131 clearly state that in order to anticipate an invention the prior art must teach or suggest all claim limitations. The limitations of the claims as now amended, which specify antisense oligonucleotides with modified internucleoside linkages, are not taught or suggested by the cited reference. Thus, the prior art cited cannot render the instant claimed invention obvious. Withdrawal of this rejection is therefore respectfully requested.

II. Objection to the Claims

Claims 4-10 and 13-15 have been objected to as being dependent on a rejected base claims but the Examiner indicates they would be allowable of rewritten in independent form, including all of the

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limitations of the base claim or any intervening claims. Claim 1 has been amended to include the limitations of claim 4. Accordingly, withdrawal of this objection is respectfully requested.

III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

Jane Massey Licata
Jane Massey Licata
Registration No. 32,257

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Licata & Tyrrell P.C.
66 E. Main Street
Marlton, NJ 08053

856-810-1515